IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 85 OF 2004

MR. TEODISIO D'SOUZA,GOA-VELHA(GOA) ....Applicants

Versus

MR. EDWIN M.COLACO,VASCO DA GAMA,GOA AND ANR., ...Respondents

Mr. S.G. Bhobe, Advocate for the Applicant.

Mr.S.N.Sardessai, R-2

Coram:- V.M. KANADE, J.

Date:- 7th July, 2005

P.C.:

Heard learned counsel appearing on behalf of the Applicant.

In the present case, notice before admission was issued by Order dated 8th April, 2004. Thereafter several attempts were made by the Applicant to serve the Respondent No.1. Although Respondent No.1 could not be served, by Order dated 5th August, 2005, this Court had directed the Applicant to take steps to serve the Respondent No.1 in accordance with Section 65 of the Code of Criminal Procedure. Accordingly steps were taken by the Applicant. The Inspector of Police, Vasco Police Station has given a report that the Respondent No.1 is staying abroad since last three years and his house is locked. Thus, inspite of action being taken under S.65 of the Code of Criminal Procedure, the respondent has not responded and has not appeared in this Court. From the record, it can be seen that even in the Sessions Court, the matter proceeded ex-parte against the Respondent No.1. Under the circumstances, it will have to be held that the respondent is served for the purpose of the present Misc. Application.

This is an application for condonation of delay. Delay in filing the Criminal Revision Application is condoned for the reasons mentioned in the Criminal Misc. Application.

Criminal Misc. Application is allowed in the above terms.

V.M. KANADE, J.